

RESOLUTION 2009-30

**A RESOLUTION OF THE ELKINS CITY COUNCIL
DETERMINING AND DECLARING THAT THE
RESIDENCE AT 229 S. CENTER STREET, ELKINS,
ARKANSAS AND THAT THE LOT/LANDS
SURROUNDING SAME, TO BE A HAZARD TO THE
HEALTH OF THIS COMMUNITY**

WHEREAS, EMC 5.16 et seq requires maintenance of property to protect the health of this community and EMC 5.04 et seq requires maintenance of lands/yards so as to protect the health and safety of residents and visitors to our community.

WHEREAS, after notice if an owner of property fails to remedy the dangerous condition the City may act to remove the hazardous condition and charge the costs of such to the owner and claim a lien against the property itself.

WHEREAS, the owners of property situate at 229 S. Center Street, Elkins, AR, have previously been notified that EMC 5.16 et seq and EMC 5.04 et seq require them to remedy the unsightly and unsanitary situation existing on that property (repair or removal of dilapidated residence and cutting of grass, weeds, etc.) and said owner has failed to act as requested.

IT IS HEREBY RESOLVED BY THE ELKINS CITY COUNCIL THAT:

SECTION 1: The real property located at and the residence at 229 S. Center Street, Elkins, AR, is hereby declared to be in violation of EMC 5.16 et seq and EMC 5.04 et seq due to the holes in the roof which have been allowed to exist for months, the extremely overgrown vegetation and the owner's failure/refusal to remedy the situation; and it is determined the owner, Doyne Gray, has been notified as required by EMC 5.16 et seq and EMC 5.04 et seq.

SECTION 2: If the owner of said property fails to comply with the requirements of EMC 5.16.07, then the Mayor is hereby authorized to have qualified persons using their equipment and/or vehicles enter onto said property and then remove the dilapidated home and all portions/parts of same which have fallen/blown off and to haul such to a licensed/authorized site and to cut and remove all weeds, brush and overgrown grass. The Mayor shall advertise for bids to perform such services and the bids presented to the Council for selection of a contractor. As soon as the total costs for removal, moving and disposal of the dilapidated home and cutting and removal of the overgrown vegetation are known to the Recorder-Treasurer, she shall present a statement to the owner for those services.

SECTION 3: If the owner fails to reimburse the City within 60 days of the mailing of the statement by the Recorder-Treasurer, the City attorney shall prepare and file with the

Washington County Circuit Clerk a Notice of Lien and take such other actions to perfect the lien, enforce the lien, and collect such monies as are due the City.

PASSED AND APPROVED THIS 5th DAY OF November, 2009.


JACK LADYMAN, Mayor

ATTEST:


SUNNY LEDFORD, Recorder/Treasurer